

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.22971 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“...to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.4 in not releasing/ supplying the Essential Commodities to the petitioner's Fair Price Shop No.16, G.K.Rachapalle, H/o Maditadu Village, T.Sundupalli Mandal, Y.S.R.District stating that the proceedings initiated under Section 6-A of the Essential Commodities Act, 1955 are pending finalization as arbitrary, illegal, colorable exercise of power, contrary to the provisions of the A.P.State Public Distribution System Control Order, 2008 and violative of the fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondent No.4 to release the Essential Commodities to the petitioner's Fair Price Shop No.16, G.K.Rachapalle, H/o Maditadu Village, T.Sundupalli mandal, Y.S.R.District and pass such other order or orders as are deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents and perused the prayer in the writ petition with supporting affidavit and other material on record including written instructions dated 11.07.2017.

Even as per the written instructions in Ref.No.B/ 165/ 2017, dated 11.07.2017 received by the learned Government Pleader from the 4th respondent-Tahsildar, but for, Section 6-A proceedings, there are no any disciplinary proceedings initiated by the 3rd respondent-Revenue Divisional Officer, who is the primary authority to initiate, if at all. Pendency of 6-A proceedings not a ground so long as under any

disciplinary providing the license is suspended, to withhold the essential commodities and distribution by the licensee and the Division Bench of this Court in *M. Shashikala v. the Collector, Civil Supplies*¹ is also clear on the point, which says, non-supply due to initiation of proceedings under Section 6-A of the Essential Commodities Act not just, as Section 6-A does not automatically result suspension or cancellation of authorization of fair price shops, as it requires independent decision of the Revenue Divisional Officer.

Having regard to the above, the respondents are directed to supply the provisions to the petitioner for distribution. It is needless to say if any disciplinary action required by the 3rd respondent-Revenue Divisional Officer, it is left open if not already taken and any interim order passed after 11.07.2017 to give effect from the date of communication.

With the above directions, the Writ Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date:18-07-2017

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¹ 1997(2) ALT 574

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